

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-9, 11-17 and 19 are currently pending in the application. Claims 1, 9, 11, 17 and 19 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the Office Action, Claims 1, 3-9, 11-17 and 19 are rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 3-9, 11-17 and 19 are rejected under 35 U.S.C. § 101, as directed to non-statutory subject matter; and Claims 1, 3-9, 11-17 and 19 are indicated as allowable if rewritten or amended to overcome the rejections noted above. Applicants appreciatively acknowledge the indication of allowable subject matter.

The Office Action rejects Claims 1, 3-9, 11-17 and 19 under 35 U.S.C. § 112, second paragraph, asserting that there is insufficient antecedent basis for the “storing means” feature. In response, the claims are amended to recite “database” instead of “storing means”, support for which can be found at least at p. 13, l. 36 – p. 14, l. 8 of the specification.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 3-9, 11-17 and 19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Office Action rejects Claims 1, 3-9, 11-17 and 19 under 35 U.S.C. § 101, as directed to non-statutory subject matter.

Regarding Claims 1 and 3-8, the Office Action rejects these claims as non-statutory, asserting that the claims are directed to a process, which is not tied to a particular machine or apparatus. In response, Claim 1 is amended to recite that the method is performed at “a system management apparatus” and that each of the steps in the method are “performed at a processor of the system management apparatus”. Support for this amendment can be found

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<sup>1</sup> e.g., specification, at least a Fig. 3; p. 13, l. 36 – p. 14, l. 8; p. 14, ll. 18-27; and p. 30, ll. 13-17.

at least at p. 3, ll. 13-17 of the specification. Therefore, Applicants respectfully submit that independent Claim 1, and Claims 3-8, which depend therefrom, are directed to statutory subject matter, as the claimed method is clearly “tied to a particular machine or apparatus”.

Regarding Claims 9, 11-16 and 19, the Office Action rejects these claims as directed to non-statutory subject matter, asserting that the “claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. § 101.”

Applicants respectfully traverses this rejection, as it applies to Claims 9 and 11-16.

Claims 9 and 11-16 are directed to a system management apparatus including “means for” performing various features, which invokes interpretation of these features under 35 U.S.C. § 112, sixth paragraph. 35 U.S.C. § 112, sixth paragraph, states that “[a]n element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” Therefore, 35 U.S.C. § 112, sixth paragraph, specifically states that the “means for” features are to be construed to cover the “corresponding *structure*” described in the specification, which includes physical articles or objects (e.g., statutory subject matter).

As to Claim 19, this claim is amended to specify that the functions of each of “user registration unit”, “node number assigning unit”, etc. are each performed by the processor of the system management apparatus. Thus, Claim 19 recites features, which (i.e. processor and database) are physical articles or objects, and therefore is directed to statutory subject matter as defined by 35 U.S.C. § 101.

Regarding Claim 17, the Office Action rejects this claim under 35 U.S.C. § 101 as non-statutory because the original disclosure defines a computer-readable recording medium as “including transmission, etc.”. In response, the paragraph at p. 30, ll. 24-29 of the

specification is amended to remove the language stating the program “can be distributed via a network”. Therefore, the computer-readable recording medium of Claim 17 can no longer reasonably be construed to cover “energy” as noted in the Office Action, as the specification is amended to limit a computer-readable recording medium as being “a flexible disk and a CD-ROM”, which are each tangible memory devices.


Accordingly, for at least the reasons outlined above, Applicants respectfully request that the rejection of Claims 1, 3-9, 11-17 and 19 under 35 U.S.C. § 101, as directed to non-statutory subject matter, be withdrawn.

Consequently, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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